

Reconsideration of the above-identified application is respectfully requested in view of the following amendments and remarks.

### **REMARKS**

#### ***Status of the Claims***

Claims 1-26 have been rejected.

Claims 1, 18 and 22 have been amended as shown hereinabove.

Support for the amendments to claims 1 and 22 can be found, *inter alia*, in the specification at page 11, line 11 through page 12, line 6.

Support for the amendments to claim 18 can be found, *inter alia*, in the specification at page 3, line 19 through page 4, line 3.

#### ***Rejections under 35 U.S.C. § 112, paragraph 2***

The Examiner has rejected claims 1-26 under 35 U.S.C. §112(2) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner rejected claims 1 and 22 as being indefinite, “because it is not clear whether amino-or vinyl- functionalized applies to both organosilane and organosiloxane, i.e. (amino-or vinyl-functionalized organosilane or (2) amino- or vinyl...” See Office Action at page 2, fourth paragraph.

Applicant has amended claims 1 and 22 to recited “an amino- functionalized organosilane or organosiloxane, or a vinyl-functionalized organosilane or

organosiloxane.” As stated hereinabove, support for the amendments to claims 1 and 22 can be found, *inter alia*, in the specification at page 11, line 11 through page 12, line 6. As amended, Applicant asserts that it is clear that amino- and vinyl- functionalized applies to both organosilane and organosiloxane, and thus, claims 1 and 22 are not indefinite. Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner rejected claim 18 as indefinite because the claim does not define “a” or “n” in the formula. The Examiner further states that claim 18 appears to improperly recite a Markush group. See Office action at page 2, last two paragraphs.

Claim 18 has been rewritten for clarity, proper Markush language, and “a” and “n” have been properly defined. As stated hereinabove, support for the amendments to claim 18 can be found, *inter alia*, in the specification at page 3, line 19 through page 4, line 3. As amended, Applicant asserts that claim 18 is not indefinite. Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner rejected the remaining claims as being dependent upon a rejected base claim. See Office Action at page 3, second paragraph. As stated hereinabove, Applicant has amended claims 1, 18 and 22 to overcome the Examiner’s indefinite rejections. As such, Applicant asserts that any claims depending directly or indirectly from claims 1, 18 and 22, are likewise not rendered indefinite.

***Rejections under 35 U.S.C. § 102***

The Examiner has rejected claims 1-3, 11, 16, 18-19, 21-23, and 26 under 35 U.S.C. §102(b) as being anticipated by Sekutowski (U.S. Pat. No. 4,740,538). Applicant respectfully traverses this rejection.

According to the M.P.E.P., “to anticipate the claim, the reference must teach every element of the claim.” See M.P.E.P. §2131, Eighth Edition, Rev. Aug. 2005, at page 2100-76. Currently pending claim 1 is directed to, “[a] resin composition comprising a silicon resin containing a reinforcing amount of a particular kaolin filler, said particulate kaolin filler having been pretreated so as to contain greater than 1.0 wt. % up to 12.0 wt. % of an amino-functionalized organosilane or organosiloxane, or a vinyl-functionalized organosilane or organosiloxane.” See Currently Amended claim 1 (emphasis added). As such, it is clear that the currently pending claims are directed to a silicon elastomers having “improved heat stability comprising a mixture of a silicon resin and a specified pretreated kaolin” which results in “improvements in heat stability and physical properties for the resulting silicone elastomer.” See Specification at page 5, lines 15-19. Whereas, according to the Examiner, “Sekutowski discloses a nylon plastic composite containing a kaolin filler coated with an amino functional silane coupling agent that results in an improved impact strength.” See Office Action at page 3, fifth paragraph (emphasis added). Sekutowski does not disclose or teach a silicon resin containing a reinforcing amount of the claimed treated filler. As such, Sekutowski does not and cannot anticipate the presently claimed invention. Reconsideration and withdrawal of this rejection are respectfully requested.

***Rejections under 35 U.S.C. § 103***

The Examiner has rejected claims 1-15, 18 and 22-25 under 35 U.S.C. §103(a) as being unpatentable over Cornelius et al. (U.S. Pat. No. 4,677,141). Applicant respectfully traverses this rejection.

The Examiner states, “Cornelius does not disclose the amount of organosilane generally used to pretreat the kaolin clay, but gives one example where ‘approximately 1 percent’ is used.” See Office Action at page 4, last paragraph. The Examiner then contends that “[i]t would have been obvious to one of ordinary skill in the art to that approximately 1% would indicate a variation of about  $\pm 0.2\%$  which would meet the claimed limitations of 1.1% to 1.2%.” See Office Action at page 5, first paragraph. Applicant respectfully disagrees with Examiner’s contention.

The Examiner has pointed to one specific example that discloses “approximately 1 percent” of an organosilane that is used to pretreat white clay. There is no indication or further disclosure in Cornelius et al. indicating that an amount greater than 1% can be used, nor is there any indication that the use of greater than 1% would have any additional benefit. Applicant asserts that “approximately 1 percent” is not the equivalent of “greater than 1.0 wt %,” as currently claimed by Applicant. See currently pending claim 1. Moreover, Applicant respectfully directs the Examiner’s attention to Example 4 of Applicant’s specification, at page 20. This example compares three different surface treatments, 0.8 wt. %, 1.0 wt %, and 1.24 wt. %, respectfully. From the example, it is clear that with only a slight percentage increase in surface treatment the silicon elastomer has superior hardness, tensile strength, elongation at break, modulus at 100% E, and tear strength. See Example 4 and Table in the specification at page 20. As such, Applicant

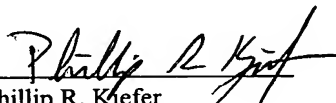
respectfully asserts that it would not have been obvious to one of ordinary skill in the art that such a slight percentage increase in surface treatment would result in superior "improvements in heat stability and physical properties for the resulting silicone elastomer." See Specification at page 5, lines 18-19. As such, Cornelius et al. does not render the presently claimed invention obvious. Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner has rejected claim 20 under 35 U.S.C. §103(a) as being unpatentable over Sekutowski (U.S. Pat. No. 4,740,538). Applicant respectfully traverses this rejection.

"To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." See M.P.E.P § 2143.03, Eighth Edition, Rev. Aug. 2005 at page 2100-139 (emphasis added). As Applicant previously pointed out Sekutowski does not disclose all the claim limitations of the presently claimed invention. See Applicant's arguments hereinabove. As such, Applicant asserts that Sekutowski cannot and does not render claim 20 obvious. Reconsideration and withdrawal of this rejection are respectfully requested.

Respectfully submitted,

11/28/2006  
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